

REMARKS

In response to the Office Action dated January 14, 2009, the Applicants have amended claims 1, 9 and 13. In a previous amendment, claims 5 and 10 were cancelled. Claims 1-4, 6-9 and 11-20 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

Claim Objections:

The Office Action objected to claims 4 and 20 under 37 CFR 1.75(c), as allegedly as being of improper dependent form.

In response, the Applicants have amended claims 4 and 20 to conform with 37 CFR 1.75(c) to overcome this objection to claims 4 and 20.

Obviousness Rejections:

The Office Action rejected claims 1-9 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Feinstein (U.S. Patent No. 6,466,198) in view of Thomas (U.S. Patent No. 6,567,101) and further in view of House et al. (U.S. Patent No. 5,878,283). The Office Action rejected claims 13-20 under 35 U.S.C. § 103(a) as being unpatentable over Schrock et al. (U.S. Patent No. 5,923,908) in view of Thomas (U.S. Patent No. 6,567,101) and further in view of House et al. (U.S. Patent No. 5,878,283).

The Applicant respectfully traverses this rejection in light of the amendments to the claims and the arguments below.

The Applicant's independent claims now include an acceleration monitor configured to monitor an output of the acceleration sensing means and determine an acceleration duration, wherein the acceleration duration is used to control single incremental movements of the graphical selection indicator. Support for this amendment can be found throughout the specification, and in particular, paragraph [0031] of the Applicants' published U.S. patent application 2003/0038779 A1.

In addition, claims 4 and 20 now include three acceleration sensors, with each sensor being positioned along a unique axis of three substantially orthogonal axes wherein one of the axes is aligned with a camera lens of the image capturing device

and at least one of the acceleration sensors detect and respond to pivoting motions non-linear accelerations. Support for this amendment can be found throughout the specification, and in particular, paragraphs [0020] and [0021] of the Applicants' published U.S. patent application 2003/0038779 A1.

Further, independent claim 9 additionally includes a force sensor configured to detect angular displacement of the image capturing device. Support for this amendment can be found throughout the specification, and in particular, paragraph [0020] of the Applicants' published U.S. patent application 2003/0038779 A1.

In contrast, any combination of Feinstein, House et al, Thomas and Schrock et al. with each other is still missing the above **newly** added features as specifically claimed. Although Feinstein discloses using accelerometers with a hand-held device (see Abstract of Feinstein) and Thomas discloses manipulating a display of data utilizing motion input (see Abstract of Thomas), the combined cited references are missing the newly added features of the Applicants' amended independent claims 1, 9 and 13 and dependent claims 4 and 20.

Specifically, with regard to all of the independent claims, clearly, the combined cited references are missing the Applicants' acceleration monitor configured to monitor an output of the acceleration sensing means and **determine an acceleration duration**, wherein the acceleration duration is used to **control single incremental movements** of the graphical selection indicator.

In addition, with regard to claims 4 and 20, unquestionably, the combined cited references are also missing having one of the axes of the sensors being **aligned with a camera lens** of the image capturing device and at least one of the acceleration sensors detect and respond to pivoting motions non-linear accelerations. Further, the combined cited references are also missing the force sensor of claim 9, which is configured to detect angular displacement of the image capturing device. As a result, because the combined cited references do **not** disclose, teach or suggest all of the features of the independent claims and the features of at least claims 4 and 20, the combined cited reference cannot render the claimed invention obvious.

With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Also, the other references cited by the Examiner also have been considered by the Applicant in requesting allowance of the dependant claims and none

have been found to teach or suggest the Applicant's claimed invention.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly **requests** the Examiner to telephone the Applicant's attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
Dated: April 14, 2009

/Edmond A. DeFrank/
Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicant
(818) 885-1575 TEL
(818) 885-5750 FAX